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# THE POPE AND THE PRESIDENT

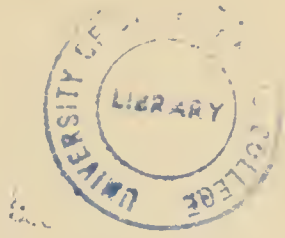
A Problem Solved

BY  
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## FOREWORD

A GOOD deal of attention has been directed lately to the relationship that would exist between the Pope and the President, if the people of the United States should elect a Catholic to be their Chief Executive. What that relationship would really be we may learn from Cardinal Newman who discussed at some length the principles involved in the double allegiance, civil and ecclesiastical, of Catholics. The average American will no doubt welcome a pronouncement on this very interesting subject from a writer no more famous for profound learning than for fearless honesty.

The following pages are taken from the well known *Letter to the Duke of Norfolk*, occasioned by Mr. Gladstone's charge that Catholics, if they act consistently with their principles, cannot be loyal subjects. An important part of the letter (Section 4), which takes up the question of divided allegiance, is here reprinted entire. No change in the text has been made except that paragraph headings have been inserted.



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# The Pope and the President

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## THE POPE A SOVEREIGN

**B**UT one attribute the Church has, and the Pope as head of the Church, whether he be in high estate, as this world goes, or not, whether he has temporal possessions or not, whether he is in honor or dishonor, whether he is at home or driven about, whether those special claims of which I have spoken are allowed or not,—and that is Sovereignty. As God has sovereignty, though He may be disobeyed or disowned, so has His Vicar upon earth; and farther than this, since Catholic populations are found everywhere, he ever will be in fact lord of a vast empire; as large in numbers, as far spreading as the British; and all his acts are sure to be such as are in keeping with the position of one who is thus supremely exalted.

I beg not to be interrupted here, as many a reader will interrupt me in his thoughts, for I am using these words, not at random, but as the commencement of a long explanation, and, in a certain sense, limitation, of what I have hitherto been saying concerning the Church's and the Pope's power. To this task the remaining pages will be directed; and I trust that it will turn out, when I come to the end of them, that, by first stating fully what the Pope's claims are, I shall be able most clearly to show what he does not claim.

## RASH CONCLUSIONS

Now the main point of Mr. Gladstone's pamphlet is this: that, since the Pope claims infallibility in

faith and morals, and since there are no "departments and functions of human life which do not and cannot fall within the domain of morals" (p. 36), and since he claims also "the domain of all that concerns the government and discipline of the Church," and moreover "claims the power of determining the limits of those domains," and "does not sever them, by any acknowledged or intelligible line, from the domains of civil duty and allegiance" (p. 45), therefore Catholics are moral and mental slaves, and "every convert and member of the Pope's Church places his loyalty and civil duty at the mercy of another" (p. 45).

I admit Mr. Gladstone's premises, but I reject his conclusion; and now I am going to show why I reject it.

#### THE POPE'S AUTHORITY

In doing this I shall, with him, put aside for the present and at first the Pope's prerogative of infallibility in general enunciations, whether of faith or morals, and confine myself to the consideration of his authority (in respect to which he is not infallible) in matters of conduct, and of our duty of obedience to him. "There is something wider still," he says (than the claim of infallibility), "and that is the claim to an Absolute and entire Obedience" (p. 37). "Little does it matter to me whether my Superior claims infallibility, so long as he is entitled to demand and exact conformity" (p. 39). He speaks of a third province being opened, "not indeed to the abstract assertion of Infallibility, but to the far more practical and decisive demand of Absolute Obedience" (p. 41), "the Absolute Obedience, at the peril of salvation, of every member of his communion" (p. 42).



Now, I proceed to examine this large, direct, religious sovereignty of the Pope, both in its relation to his subjects and to the Civil Power; but first, I beg to be allowed to say just one word on the principle of obedience itself, that is, by way of inquiring whether it is or is not now a religious duty.

### RELIGIOUS OBEDIENCE

Is there then such a duty at all as obedience to ecclesiastical authority now? or is it one of those obsolete ideas, which are swept away, as unsightly cobwebs, by the New Civilization? Scripture says: "Remember them which have the *rule* over you, who have spoken unto you the word of God, whose faith follow." And, "*Obey* them that have the *rule* over you, and *submit yourselves*; for they watch for *your souls* as they that must give account, that they may do it with joy and not with grief; for that is unprofitable for you." The margin in the Protestant Version reads, "those who are your *guides*"; and the word may also be translated "leaders." Well, as rulers, or guides and leaders, whichever word be right, they are to be *obeyed*. Now Mr. Gladstone dislikes our way of fulfilling this precept; whether as regards our choice of ruler and leader, or our "Absolute Obedience" to him; but he does not give us his own. Is there any liberalistic reading of the Scripture passage? Or are the words only for the benefit of the poor and ignorant, not for the *Schola* (as it may be called) or political and periodical writers, not for individual members of Parliament, not for statesmen and cabinet ministers, and people of Progress? Which party then is the more "Scriptural," those who recognize and

carry out in their conduct texts like these, or those who don't? May not we Catholics claim some mercy from Mr. Gladstone, though we be faulty in the object and the manner of our obedience, since in a lawless day an object and a manner of obedience we have? Can we be blamed, if, arguing from those texts which say that ecclesiastical authority comes from above, we obey it in that one form in which alone we find it on earth, in that one person who, of all the notabilities of this nineteenth century into which we have been born, alone claims it of us? The Pope has no rival in his claim upon us; nor is it our doing that his claim has been made and allowed for centuries upon centuries, and that it was he who made the Vatican decrees, and not they him. If we give him up, to whom shall we go? Can we dress up any civil functionary in the vestments of divine authority? Can I, for instance, follow the faith, can I put my soul into the hands, of our gracious Sovereign? or of the Archbishop of Canterbury? or of the Bishop of Lincoln, albeit he is not broad and low, but high? Catholics have "done what they could"—all that any one could: and it should be Mr. Gladstone's business before telling us that we are slaves, because we obey the Pope, first of all to tear away those texts from the Bible.

With this preliminary remark, I proceed to consider whether the Pope's authority is either a slavery to his subjects, or a menace to the Civil Power; and first, as to his power over his flock.

#### HUMAN LAW

1. Mr. Gladstone says that "the Pontiff declares to belong to him the *supreme direction* of Catholics in respect to all duty" (p. 37). Supreme direction; true,

but "supreme" is not "minute," nor does "direction" mean "supervision" or "management." Take the parallel of human law; the Law is *supreme*, and the Law *directs* our conduct under the manifold circumstances in which we have to act, and may and must be absolutely obeyed; but who therefore says that the Law has the "supreme direction" of us? The State, as well as the Church, has the power at its will of imposing laws upon us, laws bearing on our moral duties, our daily conduct, affecting our actions in various ways, and circumscribing our liberties; yet no one would say that the Law, after all, with all its power in the abstract and its executive vigor in fact, interferes either with our comfort or our conscience. There are numberless laws about property, landed and personal, titles, tenures, trusts, wills, covenants, contracts, partnerships, money transactions, life-insurances, taxes, trade, navigation, education, sanitary measures, trespasses, nuisances, all in addition to the criminal law. Law, to apply Mr. Gladstone's words, "is the shadow that cleaves to us, go where we will." Moreover, it varies year after year, and refuses to give any pledge of fixedness or finality. Nor can any one tell what restraint is to come next, perhaps painful personally to himself. Nor are its enactments easy of interpretation; for actual cases, with the opinions and speeches of counsel, and the decisions of judges, must prepare the raw material, as it proceeds from the Legislature, before it can be rightly understood; so that "the glorious uncertainty of the Law" has become a proverb. And, after all, no one is sure of escaping its penalties without the assistance of lawyers, and that in such private and personal matters that the lawyers are, as by an imperative duty, bound to a

secrecy which even courts of justice respect. And then, besides the Statue Law, there is the common and traditional; and, below this, usage. Is not all this enough to try the temper of a free-born Englishman, and to make him cry out with Mr. Gladstone, "Three-fourths of my life are handed over to the Law; I care not to ask if there be dregs or tatters of human life, such as can escape from the description and boundary of Parliamentary tyranny?" Yet, though we may dislike it, though we may at times suffer from it ever so much, who does not see that the thralldom and irksomeness is nothing compared with the great blessings which the Constitution and Legislature secure to us?

#### A COMPARISON

Such is the jurisdiction which the Law exercises over us. What rule does the Pope claim which can be compared to its strong and its long arm? What interference with our liberty of judging and acting in our daily work, in our course of life, comes to us from him? Really, at first sight, I have not known where to look for instances of his actual interposition in our private affairs, for it is our routine of personal duties about which I am now speaking. Let us see how we stand in this matter.

We are guided in our ordinary duties by the books of moral theology, which are drawn up by theologians of authority and experience, as an instruction for our Confessors. These books are based on the three Christian foundations of Faith, Hope, and Charity, on the Ten Commandments, and on the six Precepts of the Church, which relate to the observance of Sunday, of fast days, of confession and communion, and,



in one shape or other, to paying tithes. A great number of possible cases are noted under these heads, and in difficult questions a variety of opinions are given, with plain directions, when it is that private Catholics are at liberty to choose for themselves whatever answer they like best, and when they are bound to follow some one of them in particular. Reducible as these directions in detail are to the few and simple heads which I have mentioned, they are little more than reflections and memoranda of our moral sense, unlike the positive enactments of the Legislature; and, on the whole, present to us no difficulty—though now and then some critical question may arise, and some answer may be given (just as by the private conscience itself) which it is difficult to us or painful to accept. And again, cases may occur now and then, when our private judgment differs from what is set down in theological works, but even then it does not follow at once that our private judgment must give way, for those books are no utterance of Papal authority.

#### INTERFERENCE BY THE POPE

And this is the point to which I am coming. So little does the Pope come into this whole system of moral theology by which (as by our conscience) our lives are regulated, that the weight of his hand upon us, as private men, is absolutely unappreciable. I have had a difficulty where to find a measure or gauge of his interposition. At length I have looked through Busenbaum's *Medulla*, to ascertain what light such a book would throw upon the question. It is a book of casuistry for the use of Confessors, running to 700 pages, and is a large repository of answers made by

various theologians on points of conscience, and generally of duty. It was first published in 1645—my own edition is of 1844—and in this latter are marked those propositions, bearing on subjects treated in it, which have been condemned by Popes in the intermediate two hundred years. On turning over the pages I find they are in all between fifty and sixty. This list includes matters sacramental, ritual, ecclesiastical, monastic, and disciplinarian, as well as moral—relating to the duties of ecclesiastics and regulars, of parish priests, and of professional men, as well as of private Catholics. And these condemnations relate for the most part to mere occasional details of duty, and are in reprobation of the lax or wild notions of speculative casuists, so that they are rather restraints upon theologians than upon laymen. For instance, the following are some of the propositions condemned: “The ecclesiastic who on a certain day is hindered from saying Matins and Lauds, is not bound to say, if he can, the remaining hours”; “Where there is good cause, it is lawful to swear without the purpose of swearing, whether the matter is of light or grave moment”; “Domestics may steal from their masters, in compensation for their service, which they think greater than their wages”; “It is lawful for a public man to kill an opponent, who tries to fasten a calumny upon him, if he cannot otherwise escape the ignominy.” I have taken these instances at random. It must be granted, I think, that in the long course of two hundred years the amount of the Pope’s authoritative enunciations has not been such as to press heavily on the back of the private Catholic. He leaves us surely far more than that of “one-fourth of the department of conduct” which Mr.

Gladstone allows us. Indeed, if my account and specimens of his sway over us in morals be correct, I do not see what he takes away at all from our private consciences.

#### AN ILLUSTRATION

But here Mr. Gladstone will object, that the Pope does really exercise a claim over the whole domain of conduct, inasmuch as he refuses to draw any line across it in limitation of his interference, and *therefore* it is that we are his slaves: let us see if another illustration or parallel will not show this to be a *non sequitur*. Suppose a man, who is in the midst of various and important lines of business, has a medical adviser, in whom he has full confidence, as knowing well his constitution. This adviser keeps a careful and anxious eye upon him; and, as an honest man, says to him, "You must not go off on a journey to-day," or, "You must take some days' rest," or "You must attend to your diet." Now, this is not a fair parallel to the Pope's hold upon us; for the Pope does not speak to us personally, but to all, and, in speaking definitively on ethical subjects, what he propounds must relate to things good and bad in themselves, not to things accidental, changeable, and of mere expedience; so that the argument which I am drawing from the case of a medical adviser is *à fortiori* in its character. However, I say that though a medical man exercises a "supreme direction" over those who put themselves under him, yet we do not therefore say, even of him, that he interferes with our daily conduct, and that we are his slaves. He certainly does thwart many of our wishes and purposes; and in a true sense we are at his mercy: he may interfere any day, sud-

denly; he will not, he cannot, draw any intelligible line between the acts which he has a right to forbid us, and the acts which he has not. The same journey, the same press of business, the same indulgence at table, which he passes over one year, he sternly forbids the next. Therefore if Mr. Gladstone's argument is good, he has a finger in all the commercial transactions of the great trader or financier who has chosen him. But surely there is a simple fallacy here. Mr. Gladstone asks us whether our political and civil life is not at the Pope's mercy; every act, he says, of at least three-quarters of the day, is under his control. No, not *every*, but *any*, and this is all the difference—that is, we have no guarantee given us that there will never be a case when the Pope's general utterances may come to have a bearing upon some personal act of ours. In the same way we are all of us in this age under the control of public opinion and the public prints; nay, much more intimately so. Journalism can be and is very personal; and, when it is in the right, more powerful just now than any Pope; yet we do not go into fits, as if we were slaves, because we are under a *surveillance* much more like tyranny than any sway so indirect, so practically limited, so gentle, as his is.

### THE POPE'S CLAIM

But it seems the cardinal point of our slavery lies, not simply in the domain of morals, but in the Pope's general authority over us in all things whatsoever. This count in his indictment Mr. Gladstone founds on a passage in the third chapter of the *Pastor æternus*, in which the Pope, speaking of the Pontifical



jurisdiction, says: "Towards it (*erga quam*) pastors and people of whatsoever rite or dignity, each and all, are bound by the duty of hierarchical subordination and true obedience, not only in matters which pertain to faith and morals, but also in those which pertain to the *discipline* and the *regimen* of the Church spread throughout the world; so that, unity with the Roman Pontiff (both of communion and of profession of the same faith) being preserved, the Church of Christ may be one flock under one supreme Shepherd. This is the doctrine of Catholic truth, from which no one can deviate without loss of faith and salvation."

On Mr. Gladstone's use of this passage I observe first, that he leaves out a portion of it which has much to do with the due understanding of it (*ita ut custoditá*, etc.). Next, he speaks of "*absolute* obedience" so often, that any reader, who had not the passage before him, would think that the word "*absolute*" was the Pope's word, not his. Thirdly, three times (at pp. 38, 41, and 42) does he make the Pope say that no one can *disobey* him without risking his salvation, whereas what the Pope does say is, that no one can *disbelieve* the *duty* of obedience and unity without such risk. And fourthly, in order to carry out this false sense, or rather to hinder its being evidently impossible, he mistranslates, p. 38, "*doctrina*" (*Hæc est doctrina*) by the word "rule."

#### THE PROPER INTERPRETATION

But his chief attack is directed to the words "*disciplina*" and "*regimen*." "Thus," he says, "are swept into the Papal net whole multitudes of facts, whole

systems of government, prevailing, though in different degrees, in every country of the world" (p. 41). That is, *disciplina* and *regimen* are words of such lax, vague, indeterminate meaning, that under them any matters can be slipped in, which may be required for the Pope's purpose in this or that country, such as, to take Mr. Gladstone's instances, blasphemy, poor-relief, incorporation, and mortmain; as if no definitions were contained in our theological and ecclesiastical works of words in such common use, and as if in consequence the Pope was at liberty to give them any sense of his own. As to discipline, Father Perrone says: "Discipline comprises the exterior worship of God, the liturgy, sacred rights, psalmody, the administration of the sacraments, the canonical form of sacred elections and the institution of ministers, vows, feast-days, and the like"; all of them (observe) matters internal to the Church, and without any relation to the Civil Power and civil affairs. Perrone adds: "Ecclesiastical discipline is a practical and external rule, prescribed by the Church, in order to retain the faithful in their *faith*, and the more easily lead them on to *eternal happiness*" (*Præl. Theol.*, t. 2, p. 381, 2d ed., 1841). Thus discipline is in no sense a political instrument, except as the profession of our faith may accidentally become political. In the same sense Zallinger: "The Roman Pontiff has by divine right the power of passing universal laws pertaining to the *discipline* of the Church; for instance, to divine worship, sacred rites, the ordination and manner of life of the clergy, the order of the ecclesiastical regimen, and the right administration of the temporal possessions of the church" (*Jur. Eccles.*, lib. i. t. 2, § 121).

So too the word "regimen" has a definite meaning, relating to a matter strictly internal to the Church: it means government, or the mode or form of government, or the course of government; and as, in the intercourse of nation with nation, the nature of a nation's government, whether monarchical or republican, does not come into question, so the constitution of the Church simply belongs to its nature, not to its external action. Certainly there are aspects of the Church which involve relations toward secular powers and to nations, as, for instance, its missionary office; but regimen has relation to one of its internal characteristics, viz., its form of government, whether we call it a pure monarchy or, with others, a monarchy tempered by aristocracy. Thus Tournely says: "Three kinds of regimen or government are set down by philosophers, monarchy, aristocracy, and democracy" (*Theol.*, t. 2, p. 100. Bellarmine says the same, *Rom. Pont.*, i. 2; and Perrone takes it for granted, *ibid.*, pp. 70, 71).

Now, why does the Pope speak at this time of regimen and discipline? He tells us in that portion of the sentence which, thinking it of no account, Mr. Gladstone has omitted. The Pope tells us that all Catholics should recollect their duty of obedience to him, not only in faith and morals, but in such matters of regimen and discipline as belong to the universal Church, "so that unity with the Roman Pontiff, both of communion and of profession of the same faith being preserved, the Church of Christ may be one flock under one supreme Shepherd." I consider this passage to be especially aimed at Nationalism. "Recollect," the Pope seems to say, "the Church is one, and that, not only in faith and morals, for schis-

matics may profess as much as this, but one, wherever it is, all over the world; and not only one, but one and the same, bound together by its one regimen and discipline and by the same regimen and discipline—the same rites, the same sacraments, the same usages, and the same one Pastor; and in these bad times it is necessary for all Catholics to recollect, that this doctrine of the Church's individuality, and, as it were, personality, is not a mere received opinion or understanding, which may be entertained or not, as we please, but is a fundamental, necessary truth." This being, speaking under correction, the drift of the passage, I observe that the words "spread throughout the world" or "universal" are so far from turning "discipline and regimen" into what Mr. Gladstone calls a "net," that they contract the range of both of them, not including, as he would have it, "marriage" here, "blasphemy" there, and "poor-relief" in a third country, but noting and specifying that one and the same structure of laws, rites, rules of government, independency, everywhere, of which the Pope himself is the center and life. And surely this is what every one of us will say as well as the Pope, who is not an Erastian, and who believes that the Gospel is no mere philosophy thrown upon the world at large, no mere quality of mind and thought, no mere beautiful and deep sentiment or subjective opinion, but a substantive message from above, guarded and preserved in a visible polity.

#### THE CIVIL POWER

2. And now I am naturally led on to speak of the Pope's supreme authority, such as I have described it, in its bearing towards the Civil Power all over the



world—a power which as truly comes from God as his own does, though diverse, as the Church is invariable.

That collisions can take place between the Holy See and national governments, the history of fifteen hundred years sufficiently teaches us; also, that on both sides there may occur grievous mistakes. But my question all along lies, not with “*quicquid delirant reges*,” but with what, under the circumstances of such a collision, is the duty of those who are both children of the Pope and subjects of the Civil Power. As to the duty of the Civil Power, I have already intimated in my first section that it should treat the Holy See as an independent sovereign, and if this rule had been observed, the difficulty to Catholics in a country not Catholic would be most materially lightened. Great Britain recognizes and is recognized by the United States; the two powers have ministers at each other’s court; here is one standing prevention of serious quarrels. Misunderstandings between the two co-ordinate powers may arise; but there follow explanations, removals of the causes of offence, acts of restitution. In actual collisions, there are conferences, compromises, arbitrations. Now the point to observe here is, that in such cases neither party gives up its abstract rights, but neither party practically insists on them. And each party thinks itself in the right in the particular case, protests against any other view, but still concedes. Neither party says: “I will not make it up with you, till you draw an intelligible line between your domain and mine.” I suppose in the Geneva arbitration, though we gave way, we still thought that, in our conduct in the American Civil War, we had acted within our rights. I say all this in

answer to Mr. Gladstone's challenge to us to draw the line between the Pope's domain and the State's domain in civil or political questions. Many a private American, I suppose, lived in London and Liverpool, all through the correspondence between our Foreign Office and the government of the United States, and Mr. Gladstone never addressed any expostulations to them, or told them they had lost their moral freedom because they took part with their own government. The French, when their late war began, did sweep their German sojourners out of France (the number, as I recollect, was very great), but they were not considered to have done themselves much credit by such an act. When we went to war with Russia, the English in St. Petersburg made an address, I think to the Emperor, asking for his protection, and he gave it; I don't suppose they pledged themselves to the Russian view of the war, nor would he have called them slaves instead of patriots, if they had refused to do so. Suppose England were to send her ironclads to support Italy against the Pope and his allies, English Catholics would be very indignant, they would take part with the Pope before the war began, they would use all constitutional means to hinder it; but who believes that, when they were once in the war, their action would be anything else than prayers and exertions for a termination of it? What reason is there for saying that they would commit themselves to any step of a treasonable nature, any more than loyal Germans, had they been allowed to remain in France? Yet, because those Germans would not relinquish their allegiance to their country, Mr. Gladstone, were he consistent, would at once send them adrift.

## A PURELY HYPOTHETICAL DIFFICULTY

Of course it will be said that in these cases there is no double allegiance, and again that the German government did not call upon Germans in France, as the Pope might call upon English Catholics, nay command them, to take a side; but my argument at least shows this, that till there comes to us a special, direct command from the Pope to oppose our country, we need not be said to have "placed our loyalty and civil duty at the mercy of another" (p. 45). It is strange that a great statesman, versed in the new and true philosophy of compromise, instead of taking a practical view of the actual situation, should proceed against us, like a professor in the schools, with the "parade" of his "relentless" (and may I add "rusty"?) "logic" (p. 23).

I say, *till* the Pope told us to exert ourselves for his cause in a quarrel with this country, as in the time of the Armada, we need not attend to an abstract and hypothetical difficulty: then and not till then. I add, as before, that, if the Holy See were frankly recognized by England, as other sovereignties are, direct quarrels between the two powers would in this age of the world be rare indeed; and still rarer, their becoming so energetic and urgent as to descend into the hearts of the community, and to disturb the consciences and the family unity of private Catholics.

## A CASE OF CONSCIENCE

But now, lastly, let us suppose one of these extraordinary cases of direct and open hostility between the two powers actually to occur; here first, we must bring before us the state of the case. Of course

we must recollect, on the one hand, that Catholics are not only bound by allegiance to the British Crown, but have special privileges as citizens, can meet together, speak and pass resolutions, can vote for members of Parliament, and sit in Parliament, and can hold office, all which are denied to foreigners sojourning among us; while on the other hand there is the authority of the Pope, which, though not "absolute" even in religious matters, as Mr. Gladstone would have it to be, has a call, a supreme call on our obedience. Certainly in the event of such a collision of jurisdictions, there are cases in which we should obey the Pope and disobey the State. Suppose, for instance, an act was passed in Parliament bidding Catholics to attend Protestant service every week, and the Pope distinctly told us not to do so, for it was to violate our duty to our faith: I should obey the Pope and not the law. It will be said by Mr. Gladstone, that such a case is impossible. I know it is; but why ask me for what I should do in extreme and utterly improbable cases such as this, if my answer cannot help bearing the character of an axiom? It is not my fault that I must deal in truisms. The circumferences of State jurisdiction and of Papal are for the most part quite apart from each other; there are just some few degrees out of the 360 in which they intersect, and Mr. Gladstone, instead of letting these cases of intersection alone, till they occur actually, asks me what I should do if I found myself placed in the space intersected. If I must answer them, I should say distinctly that did the State tell me in a question of worship to do what the Pope told me not to do, I should obey the Pope, and should think it no sin if I used all the power and the influence I



possessed as a citizen to prevent such a bill passing the Legislature, and to effect its repeal if it did.

But now, on the other hand, could the case ever occur in which I should act with the Civil Power, and not with the Pope? Now, here again, when I begin to imagine instances, Catholics will cry out (as Mr. Gladstone, in the case I supposed, cried out in the interest of the other side), that instances never can occur. I know they cannot; I know the Pope never can do what I am going to suppose; but then, since it cannot possibly happen in fact, there is no harm in just saying what I should (hypothetically) do, if it did happen. I say then in certain (impossible) cases I should side, not with the Pope, but with the Civil Power. For instance, let us suppose members of Parliament, or of the Privy Council, took an oath that they would not acknowledge the right of succession of a Prince of Wales, if he became a Catholic: in that case I should not consider the Pope could release me from that oath, had I bound myself by it. Of course, I might exert myself to the utmost to get the act repealed which bound me; again, if I could not, I might retire from parliament or office, and so rid myself of the engagement I had made; but I should be clear that, though the Pope bade all Catholics to stand firm in one phalanx for the Catholic Succession, still, while I remained in office, or in my place in Parliament, I could not do as he bade me.

Again, were I actually a soldier or sailor in her Majesty's service, and sent to take part in a war which I could not in my conscience see to be unjust, and should the Pope suddenly bid all Catholic soldiers and sailors to retire from the service, here again, taking the advice of others, as best I could, I should not obey him.

## THE PRACTICAL SOLUTION

What is the use of forming impossible cases? One can find plenty of them in books of casuistry, with the answers attached in respect to them. In an actual case, a Catholic would, of course, not act simply on his own judgment; at the same time, there are supposable cases in which he would be obliged to go by it solely—viz., when his conscience could not be reconciled to any of the courses of action proposed to him by others.

## AUTHORITIES

In support of what I have been saying, I refer to one or two weighty authorities:

Cardinal Turrecremata says: "Although it clearly follows from the circumstance that the Pope can err at times, and command things which must not be done, that we are not to be simply obedient to him in all things, that does not show that he must not be obeyed by all when his commands are good. To know in what cases he is to be obeyed and in what not . . . it is said in the Acts of the Apostles, 'One ought to obey God rather than man': therefore, were the Pope to command anything against Holy Scripture, or the articles of faith, or the truth of the Sacraments, or the commands of the natural or divine law, *he ought not to be obeyed*, but in such commands is to be passed over (*despiciendus*).'" (*Summ. de Eccl.*, pp. 47, 48.)

Bellarmino, speaking of resisting the Pope, says: "In order to resist and defend oneself no authority is required. . . . Therefore, as it is lawful to resist the Pope, if he assaulted a man's person, so it is lawful

to resist him, if he assaulted souls, or *troubled the state* (*turbanti rempublicam*), and much more if he strove to destroy the Church. It is lawful, I say, to resist him, by not doing what he commands, and hindering the execution of his will" (*De Rom. Pont.*, ii. 29).

Archbishop Kenrick says: "His power was given for edification, not for destruction. If he uses it from the love of domination (*quod absit*) *scarcely will he meet with obedient populations*" (*Theolog. Moral.*, t. i., p. 158).

#### OBEDIENCE NOT ABSOLUTE

When, then, Mr. Gladstone asks Catholics how they can obey the Queen and yet obey the Pope, since it may happen that the commands of the two authorities may clash, I answer, that it is my *rule*, both to obey the one and to obey the other, but that there is no rule in this world without exceptions, and if either the Pope or the Queen demanded of me an "Absolute Obedience," he or she would be transgressing the laws of human society. I give an absolute obedience to neither. Further, if ever this double allegiance pulled me in contrary ways, which in this age of the world I think it never will, then I should decide according to the particular case, which is beyond all rule, and must be decided on its own merits. I should look to see what theologians could do for me, what the Bishops and clergy around me, what my confessor; what friends whom I revered: and if, after all, I could not take their view of the matter, then I must rule myself by my own judgment and my own conscience. But all this is hypothetical and unreal.

## PROPER PRIVATE JUDGMENT

Here, of course, it will be objected to me, that I am, after all, having recourse to the Protestant doctrine of Private Judgment; not so; it is the Protestant doctrine that Private Judgment is our *ordinary* guide in religious matters, but I use it, in the case in question, in very extraordinary and rare, nay, impossible emergencies. Do not the highest Tories thus defend the substitution of William for James II.? It is a great mistake to suppose our state in the Catholic Church is so entirely subjected to rule and system, that we are never thrown upon what is called by divines "the Providence of God." The teaching and assistance of the Church does not supply all conceivable needs, but those which are ordinary; thus, for instance, the Sacraments are necessary for dying in the grace of God and hope of heaven; yet, when they cannot be got, acts of faith, hope, and contrition, with the desire for those aids which the dying man has not, will convey in substance what those aids ordinarily convey. And so a Catechumen, not yet baptized, may be saved by his purpose and preparation to receive the rite. And so, again, though "Out of the Church there is no salvation," this does not hold in the case of good men who are in invincible ignorance. And so it is also in the case of our ordinations; Chillingworth and Macaulay say that it is morally impossible that we should have kept up for 1,800 years an Apostolical succession of ministers without some breaks in the chain; and we in answer say that, however true this may be humanly speaking, there has been a special Providence over the Church to secure it. Once more, how else could private Catholics save their souls when there was a Pope and Antipopes, each severally claiming their allegiance?

Newman, J.H.

BX

The pope and the president.

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